

Remarks

The Office Action mailed January 4, 2006 has been carefully considered, and Applicants' counsel offers the following remarks to the Office Action.

In paragraph 3 of the Office Action, Claims 1-20 are rejected under 35 USC 112, second paragraph, as being indefinite to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Paragraph 3(a) of the Office Action, the Examiner states the meaning of "1/2 float saturation" cannot be determined. The specification and claims of the present application have been amended to remove this ambiguity.

In Paragraph 3(b) of the Office Action, claim 13 is rejected due to the use of the term "slightly." Claim 13 has been amended to clarify this matter.

In Paragraph 5 of the Office Action, Claims 1-25 are rejected under 35 USC 102(b) as being anticipated by Wada et al. (U.S. 5,760,080). The Examiner states in Paragraph 5 that Examples 16 and 17 of Wada et al. disclose the making of superabsorbent polymer comprising neutralized acrylic acid, internal crosslinking agent and surface crosslinking agent wherein the polymer has greater than 30g/g absorbency, and that the reference has not measured the various additional properties of absorption time, drop penetration and ½ float saturation; however, these properties would appear to be inherent in view of the substantially similar composition of the reference polymer material. The burden of proof is shifted to applicants to show that the reference polymer material would not have the claimed unreported properties.

Anticipation under 35 U.S.C. 102(b) requires that “each and every element as set forth in the claims is found, either expressly or inherently described in a single prior art reference.” *See, e.g., Verdegaal Bros., Inc. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Claims 1-12 and 21-25 of the present invention are not directed to a superabsorbent polymer comprising a single neutralization agent as disclosed in Wada et al. Therefore, Applicants respectfully contend that the Examiner’s rejection of Claims 1-25 under 35 U.S.C. 102(b) is moot and should be withdrawn.

Furthermore, the applicants have already shown in the Comparative Examples found in the Specification on pages 23-26 and in Table 1, denoted as C1 to C11, that superabsorbent polymeric materials that are neutralized with one neutralization agent, internally crosslinked and surface crosslinked do not possess the properties of the present invention. In particular, when compared to the present invention, comparative examples C1-C4 and C7-C11 do not meet the measured absorption time requirement, and the drop penetration of C5 and C6 have a higher drop penetration value than the present invention. The Applicants have already shown that similar superabsorbent polymeric materials neutralized with one neutralization agent do not have the same properties as superabsorbent polymeric materials neutralized with two neutralization agents of the present invention.

The Examiner states regarding the product-to-process limitation directed to two-component neutralization, the record contains insufficient basis to conclude that this limitation would exclude the reference polymer, particularly the enormous scope of the claimed polymer. Once again reference is made to the 11 comparative examples on pages 23-26 and Table 1 of the Specification, which shows sufficient evidence to conclude this

limitation would exclude the reference polymer, since the Examiner has not provided any basis to the contrary.

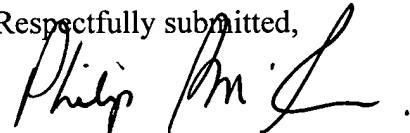
In Paragraph 6 of the Office Action, Claims 1-25 are rejected under 35 USC 102(b) as being anticipated by Carrico et al. (WO 98/52979). The Examiner states that examples 1-3 disclose the making of superabsorbent polymer material comprising partially neutralized acrylic acid, internal crosslinking agent and surface crosslinking agent wherein the polymer has greater than 38 g/g absorbency. According to the Examiner, the example states that the neutralization is optionally performed with a combination of two neutralizing agents (page 13, lines 17-20).

Claim 1 of the present invention requires “*from about 20 mole % to about 75 mole % of the unsaturated acid group containing monomers are neutralized with a first neutralizing agent, and from about 5 mole % to about 40 mole % of the unsaturated acid group containing monomers are neutralized with a second neutralizing agent*”. Example 1 of the Carrico et al. states in lines 17-20, “Polymer so obtained was neutralized to 60-95 mole percent (the postneutralization “PN” process) with any of sodium carbonate, potassium carbonate, ammonium carbonate, or mixtures.” The example further states the polymer was neutralized with sodium carbonate powder to 75 mole percent. Example 2 discloses neutralizing 75-80 mole percent of the acid in the solution with sodium carbonate, and Example 3 does not disclose neutralization. Examples 1-3 fail to disclose the use of two neutralization agents of the present invention as suggested by the Examiner. In addition, Carrico et al. does not disclose each and every element of the claims, either expressly or inherently, of the present invention. Therefore, Applicants respectfully contend that the

Examiner's rejection of Claims 1-25 under 35 U.S.C. 102(b) is moot and should be withdrawn.

In view of the forgoing remarks and amendments to the claims, allowance of claims 1-25 is respectfully requested. If any issues remain unresolved, applicant would welcome the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,



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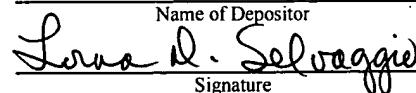
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